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ARIZONA CORPORATION COMMISSION

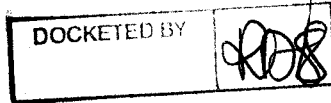
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olmc

Arizona Corporation Commission
DOCKETED

April 16, 2007

APR 16 2007



Re: James Rhodes, Rhodes Homes, et al
Perkins Mountain Utility Company; Docket No. SW-20379A-05-0489
Perkins Mountain Water Company; Docket No. W-20380A-05-0490

Dear Parties to the Docket:

Today, I am docketing in the above-referenced case a redacted copy of the transcript of the deposition of James Rhodes with the Federal Election Commission.

I would like to have this information considered as a late filed exhibit in this docket.

Sincerely,

A handwritten signature in cursive script that reads "William A. Mundell".

William A. Mundell, Commissioner
Arizona Corporation Commission

cc: Chairman Gleason
Commissioner Hatch-Miller
Commissioner Mayes
Commissioner Pierce
Brian McNeil
Ernest Johnson
Chris Kempley
Lyn Farmer
Heather Murphy

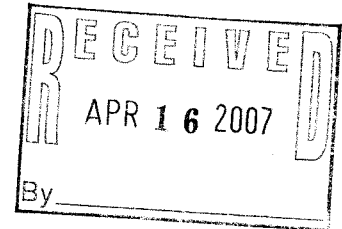
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463



April 13, 2007

Adam Stafford
Office of Commissioner Bill Mundell
Arizona Corporations Commission
1200 W. Washington St.
Phoenix, AZ 85007

Subject: Your Freedom of Information Act request to the Federal Election Commission

Dear Mr. Stafford:

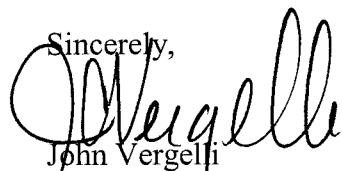
We have received your Freedom of Information Act (FOIA) request for the transcript of the deposition of James Rhodes, taken in Matter Under Review (MUR) 5305. We have assigned this request tracking number 2007-34.

Enclosed please find a redacted copy of the transcript. We have redacted certain information, such as home addresses and other personal information, under FOIA Exemptions 6 and 7(C). We have also redacted certain accounting data, such as bank account numbers.

You may appeal any adverse FOIA determination to the Commission under 11 CFR § 4.7(g)(3).

If you have any questions, please the FOIA Service Center at (202) 694-1650. Thank you for contacting the FEC.

Sincerely,


John Vergelli
FOIA Public Liaison

Enclosure

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COUNSEL

2005 NOV 15 P 3:27

FEDERAL ELECTION COMMISSION

----- x
In Matter Under Review :
5305 :
----- x

Washington, D.C.
Monday, November 7, 2005

The deposition of JAMES M. RHODES, called for examination by counsel for the Federal Election Commission in the above-entitled matter, pursuant to Notice, in the offices of FEC, 999 E Street, N.W., Washington, D.C., convened at 9:30 a.m., before Cathy Jardim, a notary public in and for the District of Columbia, when were present on behalf of the parties:

APPEARANCES:

On behalf of the FEC:

MARIANNE ABELY, ESQ.
Federal Election Commission
999 E Street, N.W.
(202) 694-1596

On behalf of the Witness:

RICHARD A. WRIGHT, ESQ.
Wright, Judd & Winckler
300 So. Fourth Street
Suite 701
Las Vegas, Nevada 89101
(702) 352-4004

C O N T E N T S

WITNESS

EXAMINATION BY COUNSEL FOR
FECJAMES M. RHODES
By Ms. Abely

4

E X H I B I T S

RHODES DEPOSITION

MARKED

No. 1	5
No. 2	60
No. 3	79
No. 4	91

P R O C E E D I N G S

Whereupon,

JAMES M. RHODES

was called for examination by counsel for FEC and,
having been first duly sworn by the notary public,
was examined and testified as follows:

EXAMINATION BY COUNSEL FOR FEC

BY MS. ABELY:

Q. Can you tell us your full name for the
record?

A. James Michael Rhodes.

Q. Mr. Rhodes, my name is Marianne Abely,
and this is Kate Belinski, and we are representing
the Federal Election Commission in this matter.

Did you bring an attorney with you today?

A. Yes, ma'am.

Q. And can you identify him for the record?

A. Sitting on my right here is Richard
Wright.

Q. For the record, this investigation is
Matter Under Review 5305.

Mr. Rhodes, this deposition is being

1 taken pursuant to a subpoena issued by the
2 commission and I am just going to show you a copy
3 of the subpoena, and we are going to mark it as
4 Exhibit 1.

5 (Rhodes Exhibit No. 1
6 was marked for identification.)

7 BY MS. ABELY:

8 Q. Do you recognize that subpoena?

9 A. No, ma'am.

10 Q. On the last page, which is page 4, there
11 is a request that you produce all documents in
12 connection with communications you or anyone
13 representing you, including but not limited to
14 Nadine Giudecessi and James Bevan, had with Dario
15 Herrera or anyone connected with Herrera for
16 Congress relating to campaign contributions and/or
17 the reimbursement of campaign contributions,
18 including but not limited to diaries, date books,
19 call books; (B) telephone messages, call logs,
20 faxes and electronic mail messages; and (C) all
21 correspondence, notes, charts and memoranda.

22 Did you, pursuant to this subpoena, look

1 for those documents?

2 A. I was asked by our in-house counsel if I
3 knew anything about it and I told him, no, we
4 didn't have any records other than what was
5 produced to Mr. Wright.

6 Q. So with respect to the list and the
7 subpoena, to your knowledge none of those records
8 were maintained?

9 A. No.

10 Q. Apart from the records that were listed
11 in the subpoena, do you know of any other documents
12 that relate to the contributions that were given to
13 Dario Herrera by yourself and your employees?

14 A. I don't know of any.

15 Q. Do you know if any documents that relate
16 to those contributions or reimbursement of those
17 contributions were destroyed at any time?

18 A. I don't think so.

19 Q. Mr. Rhodes, as a matter of course, when
20 you made contributions around 2002, in that time
21 frame, did you create documents related to those
22 contributions?

1 A. No, ma'am.

2 Q. This subpoena was issued in connection
3 with an investigation under section 437(g) of Title
4 II of the United States Code. This statute
5 requires all persons to keep confidential
6 investigations conducted by the Federal Election
7 Commission except with the written consent of the
8 person or persons who are the subject of the
9 investigation. This restriction, however, does not
10 prevent you from discussing the underlying facts
11 and circumstances with any person, including the
12 subject of the investigation or their counsel.

13 At any time after the conclusion of
14 today's deposition, you or your counsel may submit
15 a written request for permission to obtain a copy
16 of the transcript. This written request must be
17 sent to the Office of General Counsel. The office
18 will take your request under advisement. Unless
19 there is good cause to do otherwise, we will notify
20 you and the court reporter in writing that you may
21 make your own arrangements with the court reporter
22 to obtain a transcript at your own expense.

1 No transcript will be available until you
2 received this notification. If the office
3 determines there is good cause to deny your
4 request, it will inform your counsel in writing.
5 Even if there is no request to purchase a copy of
6 the transcript, we would like you to read and sign
7 the transcript. We will work out an arrangement to
8 make the transcript available to you and your
9 counsel for reading and signing.

10 Mr. Rhodes, this is an investigative
11 deposition and you are a witness here testifying
12 today. Basically it is an interview under oath,
13 and I am going to be asking you some questions and
14 your role is to answer truthfully and completely
15 and also verbally so she can take everything down.

16 Your attorney may make objections for the
17 record, but you must still answer unless he
18 specifically instructs you not to do so.

19 Please let me know if you don't
20 understand one of my questions. Otherwise, I will
21 assume you did so. Let me know if at any time you
22 want me to clarify a question. I would be more

1 than happy to do that for you.

2 Mr. Rhodes, have you discussed this
3 investigation with anyone apart from your attorney?

4 A. No -- I had to explain to my wife why I
5 was coming back here.

6 Q. Beyond this deposition, have you ever
7 discussed the entire investigation, this case, with
8 anybody apart from your attorney?

9 A. No. The gentleman in my office asked if
10 I knew of any logs or records as per your request,
11 and I didn't know of anything.

12 Q. And who is that?

13 A. Keith Mosley, a lawyer in my office.
14 Does contracts and stuff.

15 Q. Have you ever discussed this
16 investigation with Dario Herrera?

17 A. No, ma'am.

18 Q. Has Mr. Herrera -- to your knowledge, has
19 he ever attempted to contact you regarding this
20 investigation?

21 A. He left a message on my cell phone a year
22 or two ago, and I never returned the call. So I

1 guess the answer is no.

2 Q. Have you ever discussed this
3 investigation with Nadine Giudecessi?

4 A. I don't know to what level I discussed
5 it, other than we didn't have much conversation,
6 but we discussed it briefly. Not in any depth.

7 Q. Do you remember approximately when you
8 discussed this matter with Ms. Giudecessi?

9 A. I am sorry. I don't know.

10 Q. Do you remember anything she said to you
11 or you said to her during that conversation?

12 A. Whatever he asks, answer the question, is
13 my basic understanding or memory.

14 Q. Do you remember speaking with James Bevan
15 regarding this investigation?

16 A. No.

17 Q. Do you remember discussing this matter
18 after you first were contacted by the federal
19 investigation about it -- I mean the Federal
20 Election Commission -- strike that question.

21 Do you remember after you were first
22 notified, that there was an investigation being

1 conducted by this agency, do you recall ever just
2 discussing the notification with anybody?

3 A. I talked to Mr. Wright here, and I really
4 haven't talked about this.

5 Q. Have you ever had your deposition taken
6 before?

7 A. Yes, ma'am.

8 Q. On how many occasions?

9 A. Greater than 10.

10 Q. Excuse me.

11 A. Greater than 10. I am a contractor,
12 unfortunately. I kind of like it, actually.

13 Q. Were all these depositions -- what was
14 the subject matter of these depositions?

15 A. Construction litigation, contracting
16 disputes.

17 Q. Have you ever been involved in any other
18 commission investigations?

19 A. No, ma'am.

20 Q. I ask this question of everybody, so
21 don't be upset.

22 A. I am okay.

A. It is , more
the western part of the valley, kind of the
outskirts, but now it is more the center of town.

4 Q. You said that after high school you
5 started working as a laborer?

6 A. Yes, ma'am.

7 Q. Can you give me a brief description of
8 your work history up until 2001?

9 A. I started off as a carpenter, and I tried
10 to become a carpenter's helper and then I became a
11 carpenter's helper and then I became a carpenter
12 and I started doing piece work. That was about
13 four months after I started the trade, and then I
14 started doing piece work as a framing carpenter.
15 We built roofs and stairs and walls, and lay out
16 and set windows, and sometime I think in 1984 I got
17 a contractor's license and I became a framing
18 contractor and I started building custom homes, and
19 then I started building more custom homes, and I
20 started my first subdivision in 1992.

21 Q. Did you start your own business around
22 that time?

1 Q. Have you taken any medications or drugs
2 today that would impair your ability to understand
3 my questions and answer them?

4 A. No.

5 Q. Can you tell me what your residential
6 address is?

7 A. Las Vegas,
8 Nevada.

9 Q. What is the ZIP code?

10 A.

11 Q. How long have you lived at that address?

12 A. Approximately a year and a half.

13 Q. Where did you live in 2001 and 2002?

14 A. , Las Vegas,
15 Nevada,

16 Q. Could you briefly describe your
17 educational history, starting with high school?

18 A. I went to Elementary
19 School. Then I went to Junior High
20 School, and then I went to High School and I
21 got a job as a laborer.

22 Q. Where is High School located?

1 A. 1984.

2 Q. What was it called?

3 A. Jim Rhodes Construction Incorporated.

4 Q. And you brought us up to the early '90s.
5 What have you done since the early '90s?

6 A. I have built about 7,000 houses, and I
7 have about 1,000 employees, and I have, I don't
8 know, somewhere between 30 and 50 corporations. I
9 have built golf courses, and master plans and a
10 framing company and a concrete company, a plumbing
11 company, a cleanup company, water underground
12 company, and we do electric, and gas and cable, and
13 manage our golf courses and -- and off the record.

14 Q. In 2001 and 2002, that time frame, what
15 companies were you mainly -- did you operate?

16 A. I don't know, but I will give you my best
17 guess. I have had Rhodes Development and I have
18 had these other entities, whether it is LLCs or
19 limited partnerships or S corporations, but it was
20 a framing business, and the golf course businesses,
21 and then concrete, and then real estate
22 investments.

1 Q. What position did you hold in the 2001
2 and 2002 time frame at Rhodes Design and
3 Development Corporation?

4 A. I have always been the owner and --
5 president.

6 Q. Were you involved with a company called
7 Bravo Incorporated d/b/a Rhodes Framing?

8 A. Yes, ma'am.

9 Q. And what position did you hold with that
10 company?

11 A. I don't know. I own it, but -- I don't
12 even know if I get a paycheck.

13 Q. Were you also involved in the 2001-2002
14 time frame with a company called Rhodes Ranch
15 General Partnership?

16 A. Yes, ma'am.

17 Q. And what position did you hold with that
18 company?

19 A. General partner.

20 Q. How many partners were there during that
21 time period at Rhodes Ranch General Partnership?

22 A. I don't know the number, but I am

1 guessing around five or six.

2 Q. Was that true in 2001 and 2002?

3 A. I believe so.

4 Q. Now, you mentioned -- strike that.

5 Can you tell me approximately how many
6 employees you had at Rhodes Design and Development
7 Corporation in 2001 and 2002?

8 A. I don't know.

9 Q. Can you approximate?

10 A. About 100.

11 Q. About how many employees did you have at
12 Bravo Incorporated d/b/a Rhodes Framing?

13 A. Between 150 and 550.

14 Q. And how many employees did you have at
15 Rhodes Ranch General Partnership during that time
16 frame?

17 A. About a handful.

18 Q. What did Rhodes Ranch General Partnership
19 do during that time?

20 A. They own a golf course. They operate a
21 golf course and they own investment property.

22 Q. With respect to Rhodes Design and

1 Development Corporation, how many days of the week
2 was that business operating in 2001 and 2002 --
3 were people working five days a week or seven days
4 a week --

5 A. I would have to say seven days a week --
6 I don't know, but I would guess about seven days a
7 week -- out on the job sites are subcontractors,
8 and they have their work force and they might work
9 on weekends. So they are kind of subcontractors.

10 Q. In terms of the office personnel you had
11 at Rhodes Design and Development Corporation, how
12 many days a week did those employees work?

13 A. Generally Monday through Friday, but a
14 lot of people come in on Saturdays and work part of
15 the day.

16 Q. Was that true for the office staff at
17 Bravo, that they occasionally work on Saturdays?

18 A. I believe so -- you know, I don't really
19 know, because I don't go down to the framing
20 company very often.

21 Q. What about Rhodes Ranch, do you know if
22 the office workers there sometimes work on

1 Saturday?

2 A. I don't know.

3 Q. In 2001 and 2002, did you have an office?

4 A. Yes, ma'am.

5 Q. Where was your office located?

6 A. At where I now
7 live.

8 Q. Did you have an office at Rhodes Design
9 and Development Corporation?

10 A. Yes, ma'am.

11 Q. So that was in addition to the office you
12 had at the

13 A. No, that is our -- our company used to be
14 at that address, and then I remodeled it into a
15 house. It is in one of my neighborhoods.

16 Q. Do you know Dario Herrera?

17 A. Yes, ma'am.

18 Q. When was the last time you spoke with
19 Dario Herrera?

20 A. He left a message on my cell phone about
21 a year or two years ago, and I didn't return the
22 call.

1 Q. When is the last time you actually spoke
2 with Mr. Herrera?

3 A. 2002, 2003.

4 Q. And what occasioned your speaking with
5 him at that time?

6 A. I don't specifically recall. I don't
7 know if I ran into him somewhere or he called on
8 the telephone or what the circumstances were.

9 Q. Do you remember anything about the
10 conversation?

11 A. My last one I had with him?

12 Q. Yes.

13 A. No, ma'am.

14 Q. How do you know Dario Herrera?

15 A. He was one of seven county commissioners.

16 Q. What county was that?

17 A. Clark County.

18 Q. Is that the county where your businesses
19 are located?

20 A. Yes, ma'am.

21 Q. Did you know -- strike that.

22 Is the -- did you meet Mr. Herrera during

1 his tenure as a Clark County commissioner?

2 A. Yes.

3 Q. So you didn't know him before that?

4 A. No.

5 Q. Do you know approximately when you met
6 him?

7 A. No -- within a year of him being elected.

8 Q. Do you remember when he was elected to
9 the Clark County Commission?

10 A. No -- I am going to guess '98.

11 Q. Can you describe your relationship with
12 Mr. Herrera from 1998 through 2002?

13 A. Yes, sure. I was a real estate developer
14 in Las Vegas and I got to meet him a little bit
15 more in like about 2001 or 2002, and I have met all
16 the county commissioners and city council people
17 and mayors and so forth in the Las Vegas area at
18 one time or another, and I have seen him at
19 fund-raisers, and that type of thing.

20 Q. You said you got to know him more in the
21 2001-2002 time frame. Why was that?

22 A. In 1999, I was having financial

1 difficulties and I was trying to make sure -- I was
2 trying to save my business, and I was just focused
3 on being out in the field and I was concentrating
4 on that.

5 Q. How does that relate to your relationship
6 with Mr. Herrera?

7 A. I guess I was like a hermit in those
8 years, and in other years I was being like a normal
9 person that gets out and does new projects.

10 Q. You are saying around 2001 and 2002 you
11 started going out more and seeing people?

12 A. Well, I would see a bunch of people, but
13 it was like plumbers and carpenters, but it was
14 bankers and lawyers and so forth. I was just kind
15 of working a lot of hours a week.

16 Q. So it is your testimony that around 2001
17 and 2002, you started seeing people like
18 Mr. Herrera more?

19 A. Well, when you say like -- engineers,
20 architect, or something other than mostly the trade
21 people.

22 Q. Did Mr. Herrera have a profession beyond

1 his being county commissioner, do you know?

2 A. I don't know.

3 Q. Did you socialize with Mr. Herrera?

4 A. I saw him at a pool hall one time.

5 Q. Do you remember when that was?

6 A.

7 I would say about 2002-ish. I could be
8 wrong about a year.

9 Q. You mentioned that you saw Mr. Herrera at
10 fund-raisers, I believe.

11 A. Yes.

12 Q. Do you recall at what fund-raisers you
13 saw Mr. Herrera?

14 A. I think it was one of his own that
15 somebody was putting on.

16 Q. Do you recall when this was, what year?

17 A. I would guess 2002.

18 Q. Was this a fund-raiser for his
19 congressional campaign committee?

20 A. I believe so -- I should say, yes.

21 Q. Do you recall who introduced you to
22 Mr. Herrera?

1 A. I am going to take a guess. I think it
2 was Bob Campbell, but I don't know.

3 Q. Who is Bob Campbell?

4 A. He is a gentleman that used to work for
5 me years ago.

6 Q. Why do you think it was Mr. Campbell that
7 introduced you?

8 A. He was like a lobbyist guy for me.

9 Q. Do you know, what time period did Mr.
10 Campbell serve as a lobbyist for you?

11 A. 2000, I think.

12 Q. Is he still with you?

13 A. No, ma'am.

14 Q. When did -- for how long did he serve as
15 your lobbyist?

16 A. I don't specifically know. A couple of
17 years, I would say.

18 Q. Was he your lobbyist in 2001 and 2002?

19 A. I don't think so.

20 Q. Was he your lobbyist in 2001?

21 A. I don't know.

22 Q. What exactly did Mr. Campbell do for you?

1 A. Invoice me a lot. Maybe take zoning
2 matters and represent me on those.

3 Q. Did Mr. Campbell represent you before the
4 Clark County commissioners?

5 A. Yes, he has.

6 Q. Did you yourself appear before the Clark
7 County commissioners with respect to zoning
8 matters?

9 A. I don't like public speaking too much. I
10 did it at the very beginning and I told myself that
11 is not what I do well, so I had other people
12 represent me.

13 Q. And was one of those people Mr. Campbell?

14 A. Yes, ma'am.

15 Q. Do you know where Mr. Campbell is now?

16 A. I saw him at City of Henderson dinner a
17 couple of months ago. He sent over a note on my
18 dad's passing and I went over and thanked him for
19 the note.

20 MS. ABELY: Off the record.

21 (Discussion off the record.)

22 BY MS. ABELY:

1 Q. Do you know where Mr. Campbell lives?

2 A. Ma'am, I have no idea.

3 Q. Does he live in Las Vegas?

4 A. Yes, he does -- I am assuming he lives in
5 Clark County.

6 Q. Does he have a business for which he does
7 lobbying?

8 A. I am sure, yes, I think it is Campbell &
9 Associates, but I am probably wrong, because I
10 haven't seen any associates.

11 Q. Did you and Mr. Herrera ever have a
12 social relationship?

13 A. No, ma'am.

14 Q. Did you ever consider Mr. Herrera a
15 friend?

16 A. No.

17 Q. Have you ever employed Dario Herrera?

18 A. No.

19 Q. Have you ever employed any member of his
20 family?

21 A. No.

22 Q. Do you know if any of the companies which

1 you own or have an interest has ever employed
2 Mr. Herrera?

3 A. No.

4 Q. Do you recall whether you supported Dario
5 Herrera at any point when he was running for a
6 position on the Clark County Commission?

7 A. I don't think I -- I don't know, but I
8 don't think so.

9 Q. So you don't recall ever giving him a
10 campaign contribution for his Clark County
11 Commission race or races?

12 A. I don't know, ma'am.

13 Q. When approximately did you learn that
14 Dario Herrera was running for Congress?

15 A. I probably read it in the newspapers.

16 Q. Do you remember discussing with Dario
17 Herrera his decision to run for Congress at any
18 time?

19 A. No.

20 Q. Did you volunteer for Mr. Herrera's
21 congressional campaign committee?

22 A. No.

1 Q. Did you participate in any exploratory
2 committee or finance committee?

3 A. No, ma'am.

4 Q. Do you know if any of your employees
5 volunteered for Mr. Herrera's campaign committee,
6 the congressional one?

7 A. I wouldn't think so.

8 Q. Did you support Mr. Herrera's run for a
9 congressional seat?

10 A. What do you mean, support?

11 Q. Did you consider yourself a supporter of
12 Dario Herrera when he was running for Congress?

13 A. I think so.

14 Q. Why?

15 A. He is a young, hard-working person that
16 had the best interests of the state of Nevada at
17 heart, and I have been in Nevada my whole life and
18 love my state.

19 Q. What about Dario Herrera helped formulate
20 your opinion that he was a young, hard-working
21 person who would probably do good for Nevada?

22 A. They have Channel 4 in Las Vegas,

1 it is a government channel, and he
2 seemed like an articulate speaker, on the ball, and
3 the rumor mill on the street was he was an
4 up-and-coming good guy for Nevada and pro-business,
5 I guess -- pro-Nevada.

6 Q. Is Channel 4 one of those government
7 access stations?

8 A. Yes.

9 Q. Did Mr. Herrera have his own show?

10 A. What I think I have seen on there is all
11 the different commissioners at one time or another
12 might talk about parks and recreation, might talk
13 about the fire department, might talk about flood
14 control or what they are doing for animal shelter
15 or abused children or all different types of
16 things.

17 Q. I think that we know that you contributed
18 to Mr. Herrera's congressional campaign, correct?

19 A. Yes, ma'am.

20 Q. Did you provide Mr. Herrera with any
21 other forms of support during his congressional
22 run?

1 A. You mean going door to door?

2 Q. Yes. Anything like that?

3 A. No.

4 Q. As you sit here today, do you recall
5 making contributions to Mr. Herrera's congressional
6 campaign?

7 A. No. I made lots of contributions over my
8 years, but I don't specifically remember.

9 Q. Do you recall that 12 of your employees
10 and the spouses of two employees wrote contribution
11 checks to Mr. Herrera which you, through your
12 companies, reimbursed?

13 A. I think I understand.

14 Q. Do you recall doing that or do you want
15 me to rephrase the question?

16 A. If you would rephrase the question.

17 Q. Do you remember, as you sit here today,
18 that 12 of your employees, and the spouses of two
19 of those employees, wrote contribution checks to
20 Dario Herrera which you, through some of your
21 companies, reimbursed -- do you remember that?

22 A. Because we are here today, sort of, but

1 not really.

2 MR. WRIGHT: Can we go off the record?

3 MS. ABELY: Sure.

4 (Discussion off the record.)

5 BY MS. ABELY:

6 Q. Mr. Rhodes, what documents did you review
7 in preparation for the deposition?

8 A. I talked with Mr. Wright. I am not sure
9 of the different documents.

10 Q. Do you remember looking at contribution
11 checks?

12 A. I did look at some, yes.

13 Q. Do you remember looking at reimbursement
14 checks made out -- checks drawn from some of the
15 bank accounts of your companies?

16 A. No, ma'am.

17 Q. Did you or anybody at your direction keep
18 a list of the employees who gave to Herrera for
19 Congress in 2001 and 2002?

20 A. Did I keep a list?

21 Q. Yes.

22 A. I did not.

1 Q. Do you know of anybody who did?

2 A. I don't know if Nadine Giudecessi did or
3 not.

4 Q. Did you ever ask Nadine Giudecessi to
5 keep a list of the employees that were contributing
6 to Dario Herrera?

7 A. No, ma'am.

8 Q. Do you recall seeing any thank you notes
9 from the Herrera for Congress Committee thanking
10 you for your contributions or those of your
11 employees?

12 A. I have to give you -- I haven't checked
13 my mail for years and years and years, so I have no
14 idea what I get in the mail. There might be one
15 there. I just have no knowledge of it.

16 Q. Do you have somebody who routinely checks
17 your mail for you?

18 A. I hope so -- I think so.

19 Q. And who in 2001 and 2002 checked your
20 mail?

21 A. I don't know.

22 Q. Do you know who checked your business

1 mail?

2 A. No.

3 Q. Did you have a secretary in 2001-2002?

4 A. No. I have never really had a secretary.

5 Q. Do you recall ever sending a letter to
6 Dario Herrera or requesting that anybody send a
7 letter to Mr. Herrera regarding the contributions
8 that you made and that your employees and their
9 spouses made in 2001 and 2002?

10 A. I don't recall. Is there a letter?

11 Q. I am just asking you for your memory.

12 A. No.

13 Q. To your knowledge, when the contributions
14 were made, during the time period that your
15 employees and their spouses made contributions to
16 Herrera for Congress, which I will tell you was
17 between April 2001 and March 2002, do you know if
18 Dario Herrera knew any of your employees or their
19 spouses?

20 A. I don't know.

21 Q. Do you recall having discussions with
22 Dario Herrera regarding how much an individual was

1 legally permitted to contribute to a candidate for
2 federal office?

3 A. I don't specifically recall, but I think
4 I was told \$2,000.

5 Q. Do you know who told you \$2,000 was the
6 limit?

7 A. I don't specifically remember.

8 Q. Do you recall whether it was Dario
9 Herrera or anybody connected with his campaign
10 committee?

11 A. I don't recall. If I was to guess, I
12 would guess Mr. Herrera said it was 2,000.

13 Q. Why do you think it was Mr. Herrera?

14 A. Because he is probably the person that
15 called asking for some money.

16 Q. Why do you think he was probably the
17 person who called asking for money?

18 A. Typically that is the way it works.
19 Someone who is running for office calls me and asks
20 me to make a campaign contribution.

21 Q. Do you recall Mr. Herrera calling you and
22 asking for a campaign contribution in 2001, 2002?

1 A. I think I do.

2 Q. What makes you think that he was a person
3 who called you and asked for a contribution?

4 A. Because everybody always calls. I never
5 go looking. I wish they would lose my number. I
6 don't go looking for it. They come looking. I
7 guess that is how politics works, I guess.

8 Q. Did you know anybody who worked on Dario
9 Herrera's congressional campaign?

10 A. I got to meet his wife at one of these
11 fund-raiser things.

12 Q. Do you remember his wife's name?

13 A. Emily, mostly from reading it in the
14 newspaper.

15 Q. Did Mr. Herrera ever call you to request
16 a campaign contribution while he was on the Clark
17 County Commission?

18 A. I believe so.

19 Q. Do you recall if you gave him money at
20 that time?

21 A. As a Clark County commissioner?

22 Q. Right.

1 A. I don't know. I don't think so.

2 Q. But you think while he was running for
3 Congress he did call and request --

4 A. As a county commissioner running for
5 Congress.

6 Q. A couple of minutes ago -- or a little
7 while ago you mentioned that Dario Herrera had
8 called you about a year ago on your cell phone?

9 A. A year or two ago.

10 Q. How did he have your cell phone number?

11 A. I have had the same phone forever --
12 maybe I should lose the number.

13 Q. Do you know how Mr. Herrera got your cell
14 phone number?

15 A. No, I don't.

16 Q. Did you have Mr. Herrera's phone number
17 in 2001-2002 time frame?

18 A. Well, I have their office number
19 memorized, but for the county, 455-3500, you have a
20 receptionist, and you say, can I have commissioner
21 so-and-so?

22 Q. Sounds like you are in frequent contact

1 with the county commission.

2 A. There are about 8,000 employees down
3 there, so I frequently call that number and ask for
4 billing or traffic or whatever.

5 Q. Were you frequently in touch with
6 Mr. Herrera in the 2001-2002 time frame?

7 A. No.

8 Q. Do you know if Mr. Herrera called other
9 businessmen to ask them for contributions for his
10 congressional campaign?

11 A. I don't know, but I would assume so.

12 Q. Why do you assume so?

13 A. I know from reading the newspapers or
14 across the country they raise millions of dollars
15 of money. I think that is done by people calling
16 up to raise money.

17 Q. You said earlier that you think you and
18 Mr. Herrera discussed the fact that \$2,000 was the
19 limit that an individual could give to a federal
20 campaign committee?

21 A. I said I thought he might have. I
22 thought, I said that.

1 Q. Do you remember discussing with
2 Mr. Herrera the fact that corporations were
3 prohibited from contributing to federal campaign
4 committees?

5 A. I am not sure if we had any discussions
6 as far as that part.

7 Q. In --

8 A. And I don't specifically know for sure
9 that he said the \$2,000 limit.

10 Q. I just can't remember what you said. Did
11 you have occasion to use the services of
12 Mr. Campbell in 2001 and 2002?

13 A. No. I think he was already gone by then.

14 Q. Did you ever communicate to Mr. Herrera
15 through Mr. Campbell?

16 A. I don't know. He is a lobbyist, but I
17 don't know if I ever had anything in front of
18 Mr. Herrera. Kind of like everything we ever had
19 in front of him, he voted against us.

20 Q. Do you remember if he was on a specific
21 committee within the commission?

22 A. I don't really follow the different

1 committees. The answer is I don't know.

2 Q. Do you recall discussing with Dario
3 Herrera or anyone connected with his campaign the
4 fact that it was illegal to make a contribution to
5 a federal campaign committee in the name of another
6 person?

7 A. No.

8 Q. Do you remember ever discussing that
9 subject with Mr. Herrera?

10 A. No.

11 Q. Do you remember discussing that subject
12 with anyone connected with his campaign?

13 A. No, ma'am.

14 Q. Did you ever discuss the issue of
15 reimbursement of campaign contributions with Dario
16 Herrera?

17 A. No, ma'am.

18 Q. Did you ever discuss that topic with
19 anyone connected with his congressional campaign
20 committee?

21 A. No, ma'am.

22 Q. Did you ever discuss with Dario Herrera

1 the fact that reimbursement of federal campaign
2 contributions was illegal?

3 A. No, ma'am.

4 Q. Did you ever discuss that topic with
5 anybody connected with his congressional campaign?

6 A. No.

7 Q. Do you remember whether Dario Herrera had
8 your home telephone number in 2001, 2002?

9 A. I doubt it.

10 Q. Why do you doubt it?

11 A. I don't think anybody has my home number.
12 And the other reason is, with cell phones, why do
13 you need a home phone number for, almost?

14 Q. Did you have a home phone number in 2001,
15 2002?

16 A. Yes, ma'am. The other reason is I am
17 only home to sleep. I'm up at the crack of dawn
18 and out the door. A little after the sun goes,
19 down, I go back home.

20 Q. Were you and Mr. Herrera in frequent
21 contact during the time period when he was running
22 for Congress?

1 A. No.

2 Q. Can you tell me how often you would
3 communicate with him -- strike that.

4 Can you tell me how often you
5 communicated with him during the time period he was
6 running for Congress?

7 A. Four, five times a year, something of
8 that nature.

9 Q. In 2001, what was the subject of your
10 communications with Dario Herrera?

11 A. Probably, he is an elected official, I
12 try to be polite and gracious, how you doing, and
13 personable.

14 Q. You mentioned you had been to a
15 fund-raiser for Mr. Herrera; is that correct?

16 A. Yes, I believe it was his fund-raiser.

17 Q. Was that for his congressional campaign?

18 A. I believe it was, yes.

19 Q. Do you remember approximately when it
20 was?

21 A. No. If he ran for election in 2002, it
22 was prior to that. So I would think it would be

1 2002.

2 Q. He was running in the 2002 election. So
3 sometime prior to that?

4 A. I would imagine, the year 2002.

5 Q. Why do you imagine the year 2002?

6 A. Because it was election year that year
7 and 2001 I think would be too early, and after
8 2002, the race would be over. Sorry, reasoning
9 tells me that.

10 Q. Do you remember where this fund-raiser
11 was?

12 A. Park Towers.

13 Q. What is that?

14 A. Fancy condominium high-rise office strip.

15 Q. Do you remember who sponsored the
16 fund-raiser?

17 A. I believe Harold Molesky from the Molesky
18 family.

19 Q. Can you spell that last name?

20 A. I bet he can. I can't spell that.

21 MR. WRIGHT: M-O-L-E-S-K-Y.

22 BY MS. ABELY:

1 Q. You mentioned the Molesky family. Should
2 I know who they are?

3 A. No. Long-time Las Vegas people.

4 Q. Was this fund-raiser in a home or in a
5 restaurant or something?

6 A. No. It is -- like a conference room or
7 ballroom or lobby of this 12, 14-story condominium
8 high-rise project that was complete.

9 Q. Do you know how it was that you happened
10 to go to this fund-raiser?

11 A. No. Probably someone invited me and -- I
12 don't specifically remember.

13 Q. Do you know if you contributed -- strike
14 that.

15 Do you know -- did you bring a
16 contribution for Mr. Herrera to that fund-raiser?

17 A. No, but I brought my beautiful wife with
18 me though. I don't recall.

19 Q. Do you recall seeing anybody connected
20 with any of your companies at the fund-raiser?

21 A. No, ma'am. You mean direct employees or
22 connected with my company like subcontractors or

1 attorneys --

2 Q. No, employees.

3 A. No.

4 Q. Were any of them management?

5 A. Sometimes, but I don't recall them at
6 this particular one.

7 Q. Was this the only fund-raiser for
8 Mr. Herrera that you attended?

9 A. I believe so.

10 Q. Do you remember speaking with Mr. Herrera
11 at that fund-raiser?

12 A. Yes.

13 Q. Do you remember what you talked about?

14 A. I remember what I wanted to talk about.

15 Q. What did you want to talk about?

16 A.

17

18 Q. Do you recall Dario Herrera ever coming
19 to any of your offices while he was running for
20 Congress?

21 A. I think he went and saw Nadine Giudecessi
22 at our offices.

1 Q. Do you remember approximately when that
2 was?

3 A. No, ma'am.

4 Q. How did it happen that he happened to see
5 Nadine Giudecessi in her office?

6 A. I think he picked up the checks from her.

7 Q. And was this the Rhodes Design and
8 Development Corporation office?

9 A. Yes, ma'am.

10 Q. And did you know that Dario Herrera was
11 going to see Nadine Giudecessi to pick up some
12 checks from her?

13 A. I think he called me and I told him to
14 see her.

15 Q. Can you tell me how it was that
16 Mr. Herrera called you on that occasion -- what was
17 the background to his calling you?

18 A. I think he wanted me to help him raise
19 some money, so I think he was following up to see
20 had I done that, and I told him to go see Nadine.
21 My office is kind of in the truck, so I am mostly
22 out in the field. I am not at a set place for any

1 duration. Her being in an administrative role, she
2 is in the same place, same spot for a predictable
3 time.

4 Q. You mentioned that Mr. Herrera wanted
5 your help raising money; is that correct?

6 A. I guess so.

7 Q. And how did it come about that he wanted
8 your help raising money?

9 A. He asked me, he said, "Can you help me
10 raise some money? I am running for Congress."

11 Q. Do you remember approximately when that
12 was, that he asked you for help?

13 A. Had to be prior to the checks being
14 written. Weeks or months or something like that.

15 Q. Looks like the first checks written by
16 you and your employees to Mr. Herrera were in April
17 of 2001. Does that refresh your recollection as to
18 when Mr. Herrera called you to ask for your help in
19 raising some money?

20 A. No, it doesn't really jar anything in my
21 recollection, but I assume it had been prior to
22 that by weeks or months.

1 Q. When do you think it was prior to that?

2 A. If you tell me it was April something, I
3 would guess that it would have been couple of weeks
4 or couple of months prior to that.

5 Q. When he originally called and asked you,
6 is that what you mean?

7 A. Yes.

8 Q. Why do you think that it was -- why do
9 you think there had been that much time that
10 elapsed between his calling and you getting the
11 checks?

12 A. I think that is kind of how it always
13 works. Somebody doesn't call me up and say, hey, I
14 am running for dog catcher. Can you bring me a
15 check in the next couple of seconds? It is, okay,
16 thanks for letting me know, and we will get back to
17 you.

18 Q. Tell me everything you can remember about
19 the -- strike that.

20 Do you remember if Mr. Herrera asked --
21 first asked for your help in raising reason for his
22 congressional campaign in person or over the

1 telephone?

2 A. I think probably over the telephone, but
3 I don't specifically remember one way or the other.

4 Q. And what did Mr. Herrera say to you
5 specifically with respect to you raising money for
6 his congressional campaign?

7 A. I don't specifically recall. I would
8 assume it would be, I am going to run for Congress
9 and I want some help, and I probably said, why
10 would you want to fly back and forth every weekend?
11 Anyways, I am -- what was your question?

12 Q. Why don't I ask another one. Do you
13 remember what your response was when Mr. Herrera
14 asked for your assistance in raising money for this
15 congressional campaign?

16 A. Probably typical to when people call for
17 elected office, you go up a little bit, okay, we
18 are right behind you.

19 Q. In 2001 and 2002, did a lot of
20 politicians call you and ask you for contributions?

21 A. Yes, ma'am.

22 Q. Did Mr. Herrera tell you how much money

1 he wanted you to raise?

2 A. No, I can't specifically pinpoint a yes
3 or a no. I don't specifically know.

4 Q. So what did you do after Mr. Herrera
5 asked you to raise money for his congressional
6 campaign?

7 A. Probably hung up the phone and said, oh,
8 no, these freaking politicians, can't they call
9 somebody else? I guess they have.

10 Q. Did Mr. Herrera ever tell you why he
11 called you?

12 A. No.

13 Q. So what did you do with respect to
14 raising the money for Mr. Herrera?

15 A. I think I asked Nadine or Jim Bevan or --
16 probably Nadine, to get personal checks for his
17 campaign.

18 Q. When you say you asked Nadine Giudecessi
19 or James Bevan to get checks, what do you mean by
20 that?

21 A. Like when I call my lumber guy and say,
22 listen, this guy is running for office. Do you

1 like him? And if so, can you bring over a check?
2 Or this plumber or this roofer or grading
3 contractor, or whatever.

4 Q. From our records, actually, that were
5 provided by you, it looks like on April 24 you
6 wrote a check to Mr. Herrera for \$1,000, and also a
7 number of your employees wrote checks for \$1,000.
8 Donna Escoto, Nancy Kurtik, Laurie Marco, and
9 Katherine Sanucci. Do you recognize those names?

10 A. Yes, ma'am, I do.

11 Q. Do they all work for Rhodes Construction?

12 A. Rhodes Homes, d/b/a.

13 Q. Do you know how it happened that
14 Mrs. Escoto, Ms. Kurtik, Ms. Marco and Ms. Sanucci
15 contributed \$1,000 to Dario Herrera on or about
16 April 24, 2001?

17 A. I can speculate that I think Nadine asked
18 them.

19 Q. Do you know why Nadine asked these
20 employees to make contributions?

21 A. I don't specifically know. Maybe she is
22 behind on her payables with some of the

1 subcontractors and it wasn't time for her to ask
2 for personal checks.

3 Q. Do you remember when -- I believe you
4 said earlier that you believe you asked Nadine
5 Giudecessi or Mr. Bevan to get checks for
6 Mr. Herrera, correct?

7 A. Yes.

8 Q. Do you recall whether you told them,
9 either Ms. Giudecessi or Mr. Bevan, to request that
10 employees of Rhodes Design contribute to
11 Mr. Herrera?

12 A. I want to make sure I understand the
13 question. Can you ask it one more time?

14 Q. Sure. Do you know why it was -- strike
15 that.

16 Did you ask or instruct Ms. Giudecessi or
17 Mr. Bevan to obtain contribution checks from
18 employees of Rhodes Design for Mr. Herrera?

19 A. No. I would assume they would have
20 gotten them from the highest, highest-paid guys in
21 the place that wanted to do it or from outside,
22 like a grading contractor or a banker or an

1 insurance company, or a lumber supplier or a truss
2 manufacturer.

3 Q. So it is your testimony that you didn't
4 ask Ms. Giudecessi or Mr. Bevan to go to your
5 employees and ask them to contribute to
6 Mr. Herrera, at least in April 2001?

7 A. I don't specifically know that one way or
8 the other.

9 Q. So you might, you just don't remember?

10 A. Correct.

11 Q. Do you recall whether Mr. Herrera
12 suggested that you go to your own employees and
13 get -- and raise some funds for his campaign?

14 A. No.

15 Q. You don't remember that at all?

16 A. No.

17 Q. Do you remember having any specific
18 conversations with Ms. Nadine Giudecessi about the
19 contributions that were raised in 2001?

20 A. I don't remember any conversations.

21 Q. Do you remember having any specific
22 conversations with Mr. Bevan about the

1 contributions that were raised from Rhodes
2 employees in April 2001?

3 A. Not as I sit here today, no.

4 Q. Did you ever check with Donna Escoto,
5 Nancy Kurtik and Katherine Sanucci about the
6 contributions they made to Dario Herrera in April
7 2001?

8 A. No. I remember Nadine handled that.

9 Q. Did you ever do anything after your
10 instruction to Ms. Giudecessi that she do anything?

11 A. Do you mean follow-up, and stay on it?

12 Q. Yes.

13 A. No. I have so many things going on, this
14 was the least of my thoughts and I am thinking
15 about we stay a plumb, and not flip a forklift, and
16 guys show up on time.

17 Q. Do you remember whether you had any big
18 projects going on in April of 2001?

19 A. I was twilight -- I had a really rough
20 1999 and I was in survival mode.

21 Q. This was in 2001?

22 A. In '99, and it had a hangover. It lasted

1 for a while.

2 Q. Did it last through 2001?

3 A. Some could make an argument that it lasts
4 until today reputationally.

5 Q. Do you know why you contributed \$1,000 to
6 Mr. Herrera on April 24, 2001?

7 A. Do I know why?

8 Q. Do you know why it was \$1,000 as opposed
9 to something less or something more?

10 A. It would be as opposed to something more.
11 I don't know. Maybe I was feeling a little cheap
12 that day or a little generous. I am not quite sure
13 what it was.

14 Q. Do you know why it was --

15 A. I am just a carpenter turning framing
16 contractor turn -- wanting to build houses, and I
17 didn't really sign up for having to deal with any
18 of these elected people although they do have rules
19 and regulations that require applications to be
20 submitted and so forth and so forth. But for that
21 stuff, I would be strangers to these people.

22 Q. When you talk about applications, is that

1 for zoning --

2 A. Building permit, grading permit, or a
3 zoning application or a vacation abandonment -- so
4 much regulatory applications. It is kind of
5 difficult.

6 Q. Did you feel pressure to contribute to
7 Mr. Herrera, to his congressional campaign?

8 A. When you say pressure, not pressure from
9 him, but elected people -- you have these huge
10 investments you are making and you don't want
11 somebody retaliating against you and going out of
12 their way to hurt you. Pressure, I would say, no,
13 not pressure --

14 Q. Mr. Herrera himself never put any
15 specific pressure on you to contribute yourself or
16 raise funds for his campaign?

17 A. No. He asked. He didn't threaten me or
18 pressure me. He just asked.

19 Q. Do you know why it was that your
20 employees, Ms. Escoto, Kurtik, Marco and Sanucci
21 all contributed \$1,000 to Mr. Herrera in 2001, as
22 opposed to any other amount of money?

1 A. No, I don't specifically know.

2 Q. Do you know how these particular checks,
3 the five checks written in April of 2001 were
4 transferred to Mr. Herrera?

5 A. No, ma'am. I don't know if Nadine gave
6 them to him or they were mailed or I gave them to
7 him. I don't specifically know.

8 Q. Do you remember ever giving checks to
9 Mr. Herrera for his congressional campaign?

10 A. No. I can't sit here and remember ever
11 doing that.

12 Q. Do you remember having any follow-up
13 conversations with Mr. Herrera regarding these
14 contributions?

15 A. No.

16 Q. Do you remember speaking to anybody on
17 his campaign committee about these particular
18 contributions?

19 A. No. I remember talking to Dario about
20 it. I suggested he get up at crack of dawn and
21 knock on doors and he work Saturday or Sunday, if
22 he wanted to be a winning politician.

1 Q. Do you remember when you had that
2 conversation?

3 A. I don't remember when. I just remember
4 if you guys are really hard workers, and you knock
5 on doors, and introduce yourself to strangers.

6 Q. Do you know if Mr. Herrera ever did that?

7 A. I have no idea if anybody does that. No,
8 I don't know.

9 Q. Did Mr. Herrera ever buy a house from
10 you?

11 A. No, ma'am.

12 Q. Did his wife ever buy a house from you?

13 A. No, ma'am.

14 Q. Did Mr. Herrera ever call to check up on
15 his request that you raise funds in April?

16 A. I don't know.

17 Q. Do you remember ever speaking with
18 anybody from his campaign committee about the
19 checks?

20 A. No.

21 Q. Did Dario Herrera or anyone from the
22 campaign ever raise any questions regarding these

1 particular contributions with you?

2 A. Not to my memory.

3 Q. There is a requirement, it is a
4 commission requirement, that campaign committees in
5 their reports to us not only identify the
6 individual and the amount of money that they gave,
7 but they are required to identify the person's
8 place of employment and their occupation. Do you
9 know how information relating to yourself and the
10 other Rhodes Construction -- or Rhodes Design
11 employees was transmitted to the Herrera campaign?

12 A. I would assume they talked to our
13 administrative person, Nadine. She was the
14 controller, and I would assume she filled that out.

15 Q. Why do you assume Nadine did that?

16 A. Because she kind of managed that group of
17 bookkeepers and assistant accountants and they did
18 all that type of -- whether it be application
19 for -- to renew my contractor's license, or any of
20 that application for -- loan for a bank for an
21 automobile or a forklift.

22 Q. Is it your understanding that the

1 contributions that were given to Herrera for
2 Congress by yourself, Donna Escoto, Nancy Kurtik,
3 Laurie Marco and Katherine Sanucci were reimbursed
4 from a Rhodes Design check?

5 A. Did you say -- it is a long question. I
6 apologize.

7 Q. I should apologize if it is too long for
8 you.

9 Did you have an understanding that those
10 contributions were reimbursed?

11 A. I think I found out afterwards.

12 Q. And when you say you found out
13 afterwards, can you tell me what you mean by that?

14 A. I guess through what we are doing here
15 today, or -- afterwards -- it was as to the
16 reimbursement -- did you ask when did I learn or
17 when --

18 Q. Right. Your office provided -- or your
19 counsel did with a \$5,000 check. It is a Rhodes
20 Design & Development check, and it was signed by
21 you and James Bevan, and apparently those monies
22 were used to reimburse the contributions that were

1 given to Mr. Herrera.

2 A. Okay.

3 Q. Do you remember signing that
4 reimbursement check?

5 A. No, ma'am.

6 Q. Do you know anything about the
7 reimbursements given to any of your employees who
8 made contributions?

9 A. Not specifically.

10 Q. Do you know generally anything about
11 that -- I don't want to know anything you have
12 discussed with your attorney, but in 2001, did you
13 know that those contributions were reimbursed?

14 A. I don't know sitting here today.

15 Q. Do you remember ever discussing with
16 Dario Herrera the fact that the contributions made
17 in April of 2001 by yourself and the four employees
18 of Rhodes Design were going to be reimbursed with
19 money from your company, Rhodes Design &
20 Construction?

21 A. Did I have a conversation with
22 Mr. Herrera?

1 Q. Right.

2 A. No, ma'am.

3 Q. Did Mr. Herrera ever suggest that you
4 reimburse the contributions that you raised from
5 your employees?

6 A. I don't think so.

7 Q. Why don't we take a five-minute break?

8 (Discussion off the record.)

9 (Brief recess.)

10 (Rhodes Exhibit No. 2
11 was marked for identification.)

12 BY MS. ABELY:

13 Q. This is a Rhodes Design and Development
14 Corporation check in the amount of \$5,000. It is
15 made out to cash, and I am just going to show you
16 this check, and ask you if you recognize it?

17 A. I recognize the letterhead. Looks like
18 my signature. It is my company's check.

19 Q. And is your signature the second one?

20 A. No, it would be the first one.

21 Q. And whose is the second?

22 A. I am not sure. I think that is Jim

1 Bevan's, I think.

2 Q. Do you recall signing this check?

3 A. No. I sign thousands and thousands and
4 thousands of checks.

5 Q. Do you know what account this is from,
6 this check was drawn from?

7 A. It says Bank of America Nevada, P.O. Box.

8 Q. Was it from a petty cash --

9 A. Accounting has been over my head for the
10 last 20 years. I have had a staff I rely on. So I
11 don't know.

12 Q. Do you know what this check was used for?

13 A. No.

14 Q. If I told you that this check was used to
15 reimburse the contributions that you and the other
16 Rhodes Design employees made out to Dario Herrera
17 in April, around April 24, 2001, does that refresh
18 your recollection?

19 A. If you tell me, I want to believe you.

20 Q. So it doesn't refresh your recollection?

21 A. No, ma'am.

22 Q. Do you know why this check was dated

1 April 9, when the contribution checks were made out
2 on the 24th of that month?

3 A. I don't know. I would guess then they
4 are replenishing the petty cash so they had some
5 money on hand. I would be guessing.

6 Q. Did you authorize Nadine Giudecessi or
7 anybody else to reimburse the employees'
8 contributions to Dario Herrera in April of 2001?

9 A. I don't specifically recall.

10 Q. Who at Rhodes Design would have the
11 authority to make such payments to your employees?

12 A. My accounting staff has a whole bunch
13 of -- maybe I trust them too much, and I hope some
14 day I don't find out they embezzled all my money,
15 but they have a lot of latitude in paying bills and
16 invoices and subcontractors -- I hope they know
17 what they are doing, and I have an outside audit
18 firm.

19 Q. Do you know whose idea it was to
20 reimburse the checks, the contribution checks made
21 to the Dario for Congress Committee in April 2001?

22 A. I don't specifically know.

1 Q. Was it your idea?

2 A. I don't know if somebody suggested it.
3 These are people that don't make much money. I
4 don't know specifically.

5 Q. Do you know if anybody from -- connected
6 with Herrera for Congress suggested that those
7 contributions be reimbursed?

8 A. No.

9 Q. You don't know or you don't remember?

10 A. I don't remember.

11 Q. Do you remember ever discussing the
12 reimbursement of these contribution checks with
13 Dario Herrera or anyone with Herrera for Congress?

14 A. No.

15 Q. Do you recall that in June of 2001, a
16 number of your employees made contributions to the
17 Herrera for Congress Committee?

18 A. Could I remember it?

19 Q. Right.

20 A. I know that is why we are here today, but
21 I don't remember the day or the event. It is not
22 something that stood out in my mind. I remember

1 when I rolled the forklift the first time.

2 Q. Do you remember -- strike that.

3 Would it refresh your recollection that
4 Nadine Giudecessi said that you asked her if she
5 would contribute to Dario Herrera and the Reid
6 campaign in June of 2001?

7 A. That I asked her?

8 Q. Yes.

9 A. What I think I remember is we are going
10 to hit the lumber guy or go see the guy that sells
11 us our trusses or the guy that sells us our
12 plumbing or the subcontractors or the banker or
13 insurance company or others, vendors.

14 Q. But with respect to Nadine Giudecessi, do
15 you remember in June 2001 approaching her directly
16 and asking her if she would make a contribution to
17 Dario Herrera and his campaign committee?

18 A. I don't know.

19 Q. You don't remember?

20 A. I don't remember sitting down with her.

21 Q. Do you recall -- strike that.

22 Do you remember requesting that she

1 collect contribution checks in June of 2001 for the
2 Dario Herrera Committee?

3 A. Kind of like when you asked me about
4 April, it is kind of like similar in nature as far
5 as I was hoping they would raise checks from
6 vendors or people we work with.

7 Q. Do you remember how it was that you were
8 raising money for Dario Herrera in June of 2001?

9 A. I don't specifically remember.

10 Q. Do you remember if Dario Herrera
11 contacted you and asked you to raise money?

12 A. I bet that was the case.

13 Q. Why do you say that?

14 A. Because I wouldn't -- if somebody didn't
15 call, I wouldn't be here.

16 Q. It appears that --

17 A. I do not try to go out and volunteer.

18 Q. It appears that \$15,000 was raised for
19 Mr. Herrera in June of 2001 through employees of
20 yours. Do you recall Mr. Herrera asking you to
21 raise a specific amount of money?

22 A. I think it was more like, can you raise

1 me 10 or \$20,000, something of that nature.

2 Q. Do you have a specific --

3 A. But then I don't have a specific
4 recollection of him calling me up. I remember I
5 flipped our forklift the first time, specifically.
6 Nobody got hurt and nothing happened to the
7 forklift, thank God.

8 Q. What makes you say you believe that Dario
9 Herrera called and asked you to raise a specific
10 amount of money?

11 A. You asked me did he ask for a specific
12 amount, and I am trying to recall, and the answer I
13 should be saying is I don't know -- the more I
14 talk, the more I don't know.

15 Q. It looks like on June 30, 2001, Laurie
16 Marco, Katherine Sanucci, James Bevan, Nadine
17 Giudecessi, Dean Griffith, Dirk Griffith, Margaret
18 Hester, Andrea Zoanni, and Mona Wilcox all wrote
19 checks to the Herrera for Congress Committee. Do
20 you remember that?

21 A. No.

22 Q. Do you remember asking any specific

1 employee to make a contribution to the Herrera for
2 Congress Campaign in 2001?

3 A. I don't know if I asked Donna or not.

4 Q. Who is Donna?

5 A. Donna Escoto.

6 Q. That was in April. Do you have a memory
7 of asking her to make a contribution?

8 A. I don't remember if she came and talked
9 to me or I went over and asked her for it.

10 Q. Tell me everything you remember about
11 that?

12 A. I am sorry. I don't mean to look stupid
13 here, but I don't remember much of the specifics.

14 Q. You think that maybe you discussed her
15 contribution with her in April?

16 A. Possibly.

17 Q. Does it refresh your recollection --
18 would it refresh your recollection if I told you
19 that Nadine Giudecessi said you offered to
20 reimburse her contribution up front?

21 A. I don't think that is the case.

22 Q. Why don't you think that is the case?

1 A. Because of vendors, like her plumber guy,
2 the roofer, these other people we do business with.

3 Q. Was it your -- so you do have a memory of
4 asking Giudecessi to raise money in June just like
5 she did in April for Dario Herrera?

6 A. No. I think it would be more like an
7 overall blanket, I would say, in that it is a state
8 race and you are able to give corporate funds, and
9 a federal race it is private funds. So he was
10 running for Congress, so she would automatically
11 know this is a federal race, not a state race.

12 Q. Do you remember ever having a
13 conversation with Nadine Giudecessi about the
14 federal campaign limitations?

15 A. I don't specifically remember, but I
16 think it was \$2,000 is the maximum limit.

17 Q. Do you remember discussing that with
18 Nadine Giudecessi?

19 A. I think so. I think we talked about
20 2,000 is the limit from an individual.

21 Q. Do you remember when you had that
22 conversation with her?

1 A. No, I am sorry.

2 Q. Do you recall if it was in connection
3 with the contributions to Herrera for Congress that
4 you had that conversation?

5 A. I don't know that either, if it was
6 connected to Herrera or not.

7 Q. So it is your testimony that when you
8 talked to Nadine Giudecessi about collecting
9 contributions, you anticipated she would go to your
10 subcontractors or people that worked with your
11 company to raise money?

12 A. She pays everybody. Everybody calls her
13 up and says, do you have my 50,000, or 300,000, or
14 do you have my million-dollar check yet? And she
15 had a rapport with all of the different people.

16 Q. It doesn't look like -- strike that.

17 Do you know if Nadine Giudecessi ever
18 raised money for Herrera for Congress from any of
19 your subcontractors?

20 A. I don't think so.

21 Q. Why don't you think so?

22 A. Because we wouldn't be here today. I

1 don't know.

2 Q. Does it refresh your recollection for me
3 to tell you that Nadine Giudecessi said that you
4 offered to reimburse her contributions up front?

5 A. I wouldn't agree with that.

6 Q. You don't remember saying that to her?

7 A. No.

8 Q. Do you remember telling her that the
9 contributions to employees who contributed to
10 Herrera for Congress would be reimbursed through
11 your company?

12 A. No, I disagree with me telling her that
13 up front.

14 Q. Did you tell her that at any time with
15 respect to the Herrera contributions?

16 A. I don't specifically remember, but it
17 looks like they got reimbursed.

18 Q. Do you know how your employees got
19 reimbursed for their contributions to Herrera for
20 Congress?

21 A. No, ma'am.

22 Q. Have you ever had a conversation with

1 Nadine Giudecessi with respect to how it was that
2 these employees were solicited for contributions
3 and then reimbursed?

4 A. No, not that I can recall.

5 Q. Did you ever discuss with James Bevan
6 about how your employees were solicited for
7 contributions to Herrera for Congress and then
8 their contributions were reimbursed?

9 A. Not that I recall.

10 Q. Did any -- the individuals who made
11 contributions on June 30, 2001, Laurie Marco,
12 Katherine Sanucci, James Bevan, Nadine Giudecessi,
13 Dean Griffith, Dirk Griffith, Margaret Hester,
14 Andrea Zoanni, Mona Wilcox, did you discuss their
15 making contributions to Herrera for Congress with
16 them?

17 A. I don't know.

18 Q. Did you discuss the fact that they were
19 reimbursed for their contributions with any of
20 those individuals?

21 A. I don't recall. I don't know.

22 Q. Did Dario Herrera suggest or request that

1 you reimburse these contributions?

2 A. I don't think so.

3 Q. Do you know if -- strike that.

4 At any time did you discuss the fact that
5 these contributions were reimbursed with Dario
6 Herrera?

7 A. No. I had very limited conversations
8 with Dario Herrera about this. I had a lot more
9 conversations -- are you going to be working seven
10 days a week, going out door to door and getting out
11 your word for the state of Nevada than your
12 opponent? That is what most of the conversation
13 would be.

14 Q. It is your testimony that you yourself
15 never went to any of the individuals I named and
16 solicited contributions for Dario Herrera?

17 A. I don't think so.

18 Q. Do you not remember or --

19 A. That is very, very possible. Busy is not
20 an excuse, I apologize for that, but I have a lot
21 of employees and a lot of things going on and
22 working 80 to 100 hours a week.

1 Q. Do you remember Dario Herrera coming to
2 your office to pick up the contributions that were
3 made by your employees in June of 2001?

4 A. I think I learned somewhere or from
5 possibly my attorney here that he came by the
6 office -- but I don't have a specific recollection
7 of him coming by to pick up the checks on any
8 specific date.

9 Q. Do you recall introducing Dario Herrera
10 to Nadine Giudecessi?

11 A. Yes. I told him to pick up the checks
12 from Nadine Giudecessi at the office.

13 Q. Do you remember approximately when that
14 conversation was?

15 A. No, I don't.

16 Q. Do you recall anything else that you said
17 to him or he said to you during that conversation?

18 A. I don't know -- no, I don't, but which
19 one of these conversations -- there were a whole
20 bunch of them, and I am not sure.

21 Q. Did you speak with Mr. Herrera on a
22 weekly basis during the campaign?

1 A. No, no, no. I said earlier I think I
2 spoke with him five or six times during the year.

3 Q. Did most of these conversations take
4 place, strike that.

5 Did most of these conversations relate to
6 the conversations -- contributions to his campaign?

7 A. The contributions?

8 Q. Yes.

9 A. No, the state of the county, what was
10 going on in the county, how is your health, what is
11 the weather?

12 Q. How did you tell Nadine Giudecessi that
13 Dario Herrera would be coming by the office?

14 A. I think that he called me up to collect
15 the checks, and I think I directed him to go see
16 Nadine Giudecessi in my office.

17 Q. Do you have any recollection of
18 introducing them or speaking to Mr. Herrera?

19 A. I don't recall.

20 Q. Do you recall seeing him when he came to
21 pick up the checks in June 2001?

22 A. No.

1 Q. Did Nadine Giudecessi tell you anything
2 about Mr. Herrera's arrival or him being at the
3 office on the occasion when he picked up the
4 checks?

5 A. I would think she said that he had come
6 by and picked up the checks.

7 Q. Do you know why he came by and picked up
8 the checks?

9 A. No. I would guess, before somebody
10 changes their mind -- I would hurry and get the
11 check before someone says, forget it, I want to buy
12 my kid a new skateboard or a savings bond.

13 Q. When did you find out that these checks
14 were reimbursed -- strike that.

15 When did you find out that the checks,
16 the contribution checks written in June 2001, were
17 reimbursed?

18 A. I don't know.

19 Q. Did you find out before this agency
20 contacted you?

21 A. I don't specifically know.

22 Q. Do you know how the June 2001 checks were

1 reimbursed?

2 A. No, ma'am.

3 Q. When you suggested that Nadine Giudecessi
4 raise money for Herrera, and I think you testified
5 that -- strike that.

6 Let me ask it a different way. When you
7 first asked Nadine Giudecessi about raising money
8 for Dario Herrera, did you specifically instruct
9 her to go to your subcontractors and outside the
10 office to raise the money?

11 A. Yes. I thought I was going to help her
12 also.

13 Q. What do you mean by that?

14 A. I thought I would make some of the phone
15 calls, along with her. Maybe she knew this person
16 a little better than that person, and I would call
17 this guy and this woman or she would call that guy
18 and that woman.

19 Q. Did you ever do that?

20 A. I think we got busy or lazy -- I think we
21 forgot.

22 Q. So, do you know how it went from a plan

1 to raise money from your subcontractors and others
2 to raising money from employees?

3 A. I can speculate that they ran out of
4 time.

5 Q. They being --

6 A. Meaning Nadine.

7 Q. So what happened?

8 A. I don't know. I am assuming she went and
9 got -- maybe she thought, well, we need personal
10 checks, and here is a way to get to the same point,
11 possibly.

12 Q. Did Nadine discuss with you -- did
13 Ms. Giudecessi discuss with you the idea that you
14 could raise the money from Rhodes Design and
15 Rhodes' other employees and then reimburse their
16 contributions?

17 A. No. I am not sure we had conversation
18 about that.

19 Q. Did you give her approval to reimburse
20 the contributions that were raised from your
21 employees?

22 A. I don't specifically know.

1 Q. Do you remember her asking for your
2 permission?

3 A. No. She has a pretty responsible
4 position there.

5 Q. I think you said she is the controller.

6 A. Yes.

7 Q. Is she still the controller?

8 A. No.

9 Q. When did she leave your employment?

10 A. When I was in Europe. We hired a new
11 COO, and she got mad and said, "I quit," and I
12 asked her to stay, and then supposedly she is mad
13 at me because I didn't pay her long enough to stay,
14 but she is no longer with us.

15 Q. When did she leave your employment?

16 A. Let me figure out when I was in Europe.
17 About October '04, maybe November. She stayed
18 through until I got back from Europe, but she gave
19 like a two-week notice and said, "I am going." I
20 asked if she would stay, and I think I was supposed
21 to ask her more passionately and pay her more, I
22 guess.

1 MS. ABELY: Why don't we mark this?
2 (Rhodes Exhibit No. 3
3 was marked for identification.)

4 BY MS. ABELY:

5 Q. Page 1 is a check in the amount of
6 \$10,000 on the bank account of Rhodes Ranch, dated
7 June 26, 2001.

8 Do you recognize that check?

9 A. I recognize the letterhead and all the
10 other stuff, but when there are batches of checks,
11 sometimes there might be a stack, and then if we
12 get backed up, there might be a couple of stacks on
13 the table. So, yes, I recognize the form of the
14 check, but not this check, 10994.

15 Q. Do you recognize the signatures?

16 A. Yes.

17 Q. Whose signatures?

18 A. Nadine and Jim Bevan.

19 Q. And Nadine is Nadine Giudecessi?

20 A. Yes, ma'am.

21 Q. Do you know why this check was issued?

22 A. No, no.

1 Q. And there is another check on June 29 in
2 the amount of \$7,000 from an account of Rhodes
3 Design & Development Corporation. Do you recognize
4 that check?

5 A. The logo, but I don't have -- do I
6 recognize the check form? Yes.

7 Q. And do you recognize the signatures?

8 A. Yes.

9 Q. And whose signatures are those?

10 A. Jim Bevan's and Nadine Giudecessi.

11 Q. And a third check for \$8,000, the date is
12 6/28, and it looks like the account was cut off.
13 Do you recognize that? Is that a Bravo check?

14 A. It doesn't say Bravo, but I recognize the
15 address.

16 Q. Do you recognize the signatures on this
17 check?

18 A. No -- excuse me. It says Mona Wilcox.

19 Q. And who is she?

20 A. She was the accountant over there, and
21 the other one looks like -- I think it begins with
22 Dean, but I don't recognize their signatures,

1 because I don't know them. They are employees.

2 Q. Did Dean Griffith and Mona Wilcox have
3 check writing authority over at Bravo?

4 A. I think so.

5 Q. Do you recall giving permission for any
6 of these three checks, the \$10,000 one, the \$8,000
7 one or the \$7,000 one, to be issued?

8 A. No.

9 Q. Do you remember authorizing the issuance
10 of these checks to reimburse contributions made by
11 any of your employees in June of 2001?

12 A. No, I don't remember.

13 Q. Do you remember Dario Herrera ever
14 calling you and thanking you for raising these
15 contributions?

16 A. No, I don't recall.

17 Off the record, I don't think he did.

18 Q. Do you remember being contacted by
19 anybody on his campaign committee to thank for
20 raising the money?

21 A. No, ma'am. Maybe they did.

22 Q. You just don't remember?

1 A. I shouldn't have that cheating attitude,
2 should I? I don't remember.

3 Q. Did you and Dario Herrera ever discuss
4 the reimbursement of the contribution checks issued
5 in June of 2001 to his campaign?

6 A. No, ma'am.

7 Q. Did he suggest that you reimburse these
8 contributions?

9 A. No.

10 Q. Is it fair to say that at some point you
11 find out that the contributions that you intended
12 on raising from subcontractors and other persons
13 who worked with your company, that they weren't
14 raised from those entities but were raised from
15 employees of your companies, do you remember
16 finding that out?

17 A. Yes. I don't know when, though.

18 Q. Did you -- do you recall participating in
19 raising any of these contributions from your
20 employees as opposed to the subcontractors and
21 others who worked for your companies?

22 A. I may have asked someone.

1 Q. You may have asked some of the employees
2 to contribute?

3 A. Yes.

4 Q. Do you remember the identities of any of
5 those employees?

6 A. No, not specifically. Might have been
7 Jim Bevan or Nadine or Roger Lector, as I said,
8 Donna.

9 Q. Donna Escoto?

10 A. Yes, but I don't have specific recall.

11 Q. Do you remember telling those individuals
12 that their contributions would be reimbursed?

13 A. No.

14 Q. You don't have a memory at all?

15 A. No, I don't recall. I don't recall.

16 Q. You don't recall either way?

17 A. I don't know.

18 Q. Did you ever tell Dario Herrera that any
19 of these contributions were reimbursed?

20 A. No, ma'am.

21 Q. Did you ever tell anybody on his campaign
22 committee that they were reimbursed?

1 A. No. I don't think I ever talked to
2 anyone from his campaign committee.

3 Q. Do you remember specifically calling Mona
4 Wilcox and asking her to write this check for
5 \$8,000, which check is dated June 28, 2001?

6 A. No.

7 Q. Do you know why it was that Dario
8 Herrera -- strike that.

9 Did you ever let Dario Herrera come to
10 your office or any of your building sites to do any
11 campaigning?

12 A. They come in my office and have everybody
13 stop and give them a speech, no, but since I
14 supported him, I would hope he was campaigning from
15 the time he woke up to the time he went to sleep
16 seven days a week, but I don't remember stopping
17 business.

18 Q. Do you remember making a contribution to
19 Dario Herrera in December of 2001?

20 A. No, ma'am.

21 Q. Do you remember if that is the time
22 period when you attended that fund-raiser?

1 A. I don't know. It could have been. I
2 thought earlier all of the money was in 2002, and
3 they show me 2001, so it shows me how good I am.

4 Q. Do you remember what precipitated writing
5 a contribution check to Dario Herrera in December
6 of 2001?

7 A. Maybe it was that fund-raiser the
8 Moleskys had.

9 Q. Did your wife ever make any contributions
10 to Dario Herrera?

11 A. Well, we weren't married at the time, and
12 I don't think so.

13 Q. Do you remember in March 2002 raising
14 contributions for Dario Herrera?

15 A. Do I remember it?

16 Q. Yes.

17 A. No.

18 Q. Records indicate that six checks were
19 written in March -- they are at least dated March
20 29, 2002. Gary Giudecessi wrote -- contributed
21 \$2,000, and that is Nadine Giudecessi's husband,
22 correct?

1 A. Yes.

2 Q. Do you know Gary Giudecessi?

3 A. Yes, I met him. I called him John Gotti.
4 Looks just like him.

5 Q. Do you know where he works or where he
6 worked in 2002?

7 A. Well, I heard a rumor that he works at
8 the Imperial Palace.

9 Q. Margaret Hester works for you, or she did
10 in 2002?

11 A. Yes.

12 Q. Do you know her husband, Kevin Hester?

13 A. No, ma'am.

14 Q. You know Ronald Gillet?

15 A. Yes, I do.

16 Q. Do you know how it happened that Ronald
17 Gillet made a contribution to Dario Herrera in
18 2002?

19 A. Ron is our in-house counsel, but, no, I
20 don't know.

21 Q. Do you remember asking him to make a
22 contribution?

1 A. No, I don't recall.

2 Q. Do you know how it happened that Gary
3 Giudecessi made \$2,000 worth of contributions to
4 Herrera for Congress in March of 2002?

5 A. No, I don't know, but I think from his
6 wife.

7 Q. What do you mean you think from his wife?

8 A. Nadine worked for me. That is her
9 husband. I think that is how it got there.

10 Q. Would it refresh your recollection if I
11 told you that Nadine Giudecessi indicated you
12 approached her and asked if she could get her
13 husband, Gary Giudecessi, to contribute to Dario
14 Herrera?

15 A. No. I don't recall that.

16 Q. Do you remember telling Nadine Giudecessi
17 that his contribution would be reimbursed and --
18 strike that.

19 Do you remember telling Nadine Giudecessi
20 that her husband Gary's contribution to Dario
21 Herrera would be reimbursed?

22 A. No.

1 Q. Do you know Kevin Hester?

2 A. No, ma'am.

3 Q. Do you know how it was that Kevin Hester,
4 who is Margaret Hester's husband, made a
5 contribution to Dario Herrera in March of 2002?

6 A. No.

7 Q. Do you know how it was that his
8 contribution was reimbursed through a Rhodes Ranch
9 check?

10 A. No.

11 Q. Do you remember if Dario Herrera
12 contacted you and requested that you raise funds
13 for him in March 2002?

14 A. I know he called, but I just don't know
15 when he called.

16 Q. Do you recall on how many occasions
17 Mr. Herrera contacted you to request that you raise
18 funds for him for his congressional campaign?

19 A. I don't specifically know, but if I
20 talked to him five or six times during the year,
21 probably four or five of those times was probably
22 to -- for his election ambitions.

1 Q. Do you have any idea why it was that
2 \$6,000 was raised from your employees and two of
3 their spouses in March of 2002 for the Dario
4 Herrera Committee?

5 A. No, I don't.

6 Q. Did Dario Herrera or anybody from his
7 campaign give you a monetary target to raise at
8 that time?

9 A. No, not that I can recall.

10 Q. Do you know how it was that Gary
11 Giudecessi, Margaret Hester, Kevin Hester and
12 Ronald Gillet contributed to Dario Herrera for
13 Congress?

14 A. Do I know how they did it?

15 Q. Why it was they contributed?

16 A. No, I don't specifically know.

17 Q. Did you -- when was the first time you
18 learned -- strike that.

19 Did you authorize the contributions made
20 by Gary Giudecessi, Margaret Hester, Kevin Hester
21 and Ronald Gillet be reimbursed through a check
22 written from the Rhodes Ranch account?

1 A. I don't know. I might have been told
2 that she had reimbursed him. I don't know how it
3 happened.

4 Q. When you say she --

5 A. Nadine or Jim Bevan or whoever the
6 accountants are.

7 Q. Do you remember having a conversation
8 with Nadine Giudecessi or James Bevan regarding
9 these contributions made in March 2002 --

10 A. I am sorry -- do I remember talking to
11 them?

12 Q. Right, about these particular
13 contributions that were made in March 2002 to
14 Herrera for Congress?

15 A. I don't know which specific time I would
16 have talked to them or all the times.

17 Q. What do you mean?

18 A. Well, it didn't happen all on one day, so
19 it would have been multiple conversations or one
20 conversation, is my guess.

21 Q. Do you think there were multiple
22 conversations where you asked Nadine to raise money

1 for Dario Herrera?

2 A. I don't know, but if there are multiple
3 days, it might have been multiple times.

4 Q. Do you know how these particular
5 contributions in March of 2002 were transferred to
6 the Herrera committee?

7 A. Do I know how they were transferred?

8 Q. Right.

9 A. I thought he came by the office and
10 picked them up.

11 Q. Dario Herrera apparently came by the
12 office in June 2001 to pick up contribution checks.
13 Do you know if he came by in March 2002 to pick up
14 those checks?

15 A. I don't know.

16 Q. When was the first time you learned that
17 these particular -- that contribution checks in
18 March 2002 were reimbursed?

19 A. I don't know.

20 (Rhodes Exhibit No. 4
21 was marked for identification.)

22 BY MS. ABELY:

1 Q. This is a Rhodes Ranch check in the
2 amount of \$10,000, and it is dated March 27, 2002.
3 Do you recognize that check?

4 A. I recognize a Rhodes Ranch check, but,
5 no, not that specific check.

6 Q. And whose signatures are those?

7 A. Looks like on the top, Jim Bevan's, and
8 then the lower one is Nadine Giudecessi.

9 Q. Did you authorize this check in order to
10 reimburse contributions made to Dario Herrera?

11 A. I don't know. They write hundreds of
12 checks each week and thousands per year without my
13 authorization.

14 Q. At some point you found out that
15 contributions made by some of your employees to
16 Dario Herrera were reimbursed, correct?

17 A. Yes.

18 Q. What was your reaction when you found out
19 that those contributions were reimbursed?

20 A. Probably, boy, I hope everything is okay.

21 Q. What do you mean?

22 A. I just have a desire to work every day

1 and hope everything is done correctly. When I
2 frame walls, I hope every one is perfectly plumb.
3 Sometimes they are not and we need to go back and
4 fix it.

5 Q. Now that you have seen all these
6 reimbursement checks, and we have been talking
7 about the contributions made to Dario Herrera's
8 campaign, does that refresh your recollection with
9 respect to any role that you played in reimbursing
10 the contributions made to Mr. Herrera?

11 A. Now that we have been talking, does it
12 refresh my memory?

13 Q. Right.

14 A. Not really.

15 Q. Who do you hold responsible for
16 authorizing the reimbursement of the contributions
17 made to the Dario Herrera campaign in 2001 and
18 2002?

19 A. Myself.

20 Q. Why do you hold yourself responsible?

21 A. It is my company. The buck has to stop
22 somewhere. Probably a horrible answer. I put my

1 name on the door. Dumb enough to do that, so I
2 take responsibility. Second choice might be my
3 accounting staff.

4 Q. Whose idea specifically do you think it
5 was to reimburse the contribution checks to the
6 Dario Herrera Committee?

7 A. I don't specifically know. I would guess
8 it would be Jim or Nadine.

9 Q. Why do you think Jim or Nadine?

10 A. Because they control all of the money,
11 and they make a lot of responsible decisions and
12 make a lot of really good calls.

13 Q. Did you think this was a good call?

14 A. No.

15 Q. Did you ever speak with Nadine and/or Jim
16 regarding the reimbursement of these contributions?

17 A. My recollection is we saw this come up in
18 the newspaper, and I said, oh, God, we are
19 embarrassed as all get-out, and we hired this
20 gentleman here.

21 Q. Prior to hiring Mr. Wright, did you have
22 any understanding that reimbursing federal campaign

1 contributions was illegal?

2 A. I don't think so.

3 Q. Did you ever find out from Nadine and/or
4 Jim why they did it, why they reimbursed these
5 campaign contributions?

6 A. Did I ever ask them why they did it?

7 Q. Yes.

8 A. I don't think I was asking them. I think
9 they were justifying as it was being explained, and
10 I don't really specifically recall either.

11 Q. What do you remember, what did they tell
12 you in order to justify reimbursing these
13 contributions?

14 A. I don't have specific recall.

15 Q. Do you know approximately when you
16 discussed this issue with them?

17 A. No, but I would guess it was probably the
18 day the newspaper article came out and the day
19 following that.

20 Q. Do you remember having a conversation
21 with Dario Herrera in which you discussed raising
22 money for his campaign and he told you he didn't

1 care how you came up with the money?

2 A. No, not to my -- I don't know about that.

3 Q. Now, you also made contributions to the
4 Reid Committee; do you remember that?

5 A. I did, but I don't have.

6 Q. That was in June of 2001 also. What do
7 you remember about making -- or raising funds for
8 the Reid Committee?

9 A. I don't really recall.

10 Q. Do you remember why it was that you were
11 raising money for the Reid Committee?

12 A. Probably somebody called and asked me to.

13 Q. Do you remember who it was?

14 A. No, I don't.

15 Q. Do you remember if Dario Herrera
16 suggested you raise money for the Reid Committee?

17 A. I don't know.

18 Q. Do you remember if anyone was present
19 during any of the conversations you had with Nadine
20 Giudecessi about raising contributions for Dario
21 Herrera?

22 A. I don't think so.

1 Q. Do you remember if you --

2 A. She had her own private office, and when
3 we spoke it would be just her and I there, and then
4 I spoke with Jim in his separate office.

5 Q. Do you remember ever having a
6 conversation with Nadine Giudecessi and James Bevan
7 together -- strike that.

8 Do you remember ever speaking at one time
9 with Nadine Giudecessi and James Bevan regarding
10 the Herrera contributions?

11 A. Not to my knowledge.

12 Q. Is James Bevan still with Rhodes Design?

13 A. No, he is not.

14 Q. Do you know where he is now?

15 A. Yes. He is with another home builder.

16 Q. What home builder is that?

17 A. Local home builder in Las Vegas. Name of
18 the company I don't recall, but I could put it in
19 the transcript -- I will remember it in a little
20 bit here.

21 Q. Do you know where Mr. Bevan lives?

22 A. Yes.

1 Q. Where does he live?

2 A. Palm Hills in Henderson, Nevada.

3 Q. Is that one of your developments?

4 A. It is.

5 Did you know that was one of my
6 developments?

7 Q. I think I may have read that somewhere,
8 and you said it with such pride, it sounded like a
9 good assumption.

10 MS. ABELY: Why don't we take a break for
11 a few minutes. We are almost down.

12 (Discussion off the record.)

13 (Brief recess.)

14 BY MS. ABELY:

15 Q. Did you ever take any action against
16 Giudecessi or Bevan for reimbursing the
17 contributions made by your employees to Dario
18 Herrera or Reid?

19 A. No.

20 Q. How come?

21 A. I don't know.

22 Q. Were you angry at them when you found

1 out?

2 A. I don't recall what my thoughts were.

3 Q. In total, you and your employees from
4 April 2001 through March 2002 gave \$27,000 to
5 Herrera for Congress. That is a lot of money. Did
6 you realize you were raising that amount of money
7 for Herrera?

8 A. No, I didn't know it was quite that much.
9 It is a lot of money, but in what spectrum? For
10 \$100 million in revenue, I can see in one sense it
11 seems like a lot, but in another sense it is the
12 difference of a good morning or a bad morning.

13 Q. Did Nadine Giudecessi or Jim Bevan ever
14 apologize to you?

15 A. I don't know.

16 Q. You just don't remember?

17 A. No. I don't know -- or I don't remember,
18 both.

19 Q. Why did James Bevan leave your
20 employment?

21 A. Well, we hired a guy from Deloitte &
22 Touche, and I think Jim maybe felt a little bit

1 threatened, and I think he got a better offer from
2 the other home builder, and I am not sure he liked
3 our new COO.

4 Q. Who is that?

5 A. Fred Chin. He came from Ernst & Young.

6 Q. When did Mr. Chin join you?

7 A. April of '04.

8 Q. Did you receive any complaints by any of
9 the employees who contributed to Herrera for
10 Congress or the Reid Committee?

11 A. No.

12 Q. Did you ever talk to any of the employees
13 whose contributions to Herrera or Reid were
14 reimbursed about those reimbursements?

15 A. No.

16 Q. When you agreed to -- it is fair to say
17 you agreed to raise money for Dario Herrera for his
18 congressional committee, correct?

19 A. I don't know if I agreed. He asked me
20 and I don't know what I said. It might have been I
21 will try or I will see what I can do --

22 Q. Did you get any pressure from April

1 through -- April 2001 through March 2002 from
2 Herrera or the Herrera Committee to keep up
3 fund-raising?

4 A. No.

5 Q. I think you said you never got a thank
6 you for raising that money.

7 A. I don't think I did. My job is the type
8 I don't get a whole bunch of thank yous, being a
9 contractor.

10 Q. You said earlier that because of your
11 business, you had to go before the county
12 commissioners quite a bit, correct?

13 A. Yes.

14 Q. To get zoning permission and other
15 certificates and so forth?

16 A. Yes.

17 Q. Did you feel like you had to raise
18 contributions for Dario Herrera because your
19 business came before the county commissioners?

20 A. Most of my business is done on an
21 administrative level, with the plans examiners and
22 the inspectors and the public works department, the

1 traffic, parks and recreation, and other agencies
2 inside the county. I didn't do very many
3 discretionary land uses during that time frame.

4 Q. What is a discretionary land use?

5 A. Let's say you own a piece of land and it
6 is zoned for 40 acres and you want to build
7 multi-unit attached units and you make an
8 application to change the land use on it. I am not
9 sure I ever got any in front of Dario Herrera other
10 than the ones at Rowe's Mansion where he went out
11 of his way to clobber us, I felt.

12 Q. So he voted against your request to alter
13 an application for land use?

14 A. Yes.

15 Q. Do you remember when that was?

16 A. Between '98 and 2002. I would say,
17 probably 2001, 2000, something like that, if my
18 recollection serves me.

19 Q. Besides that Rhodes Ranch issue, do you
20 remember coming before Dario Herrera and the county
21 commissioners on any other issues?

22 A. I have been in front of county

1 commissioners on several different occasions, but I
2 didn't do much in those years, and the reason is my
3 property already had its entitlements.

4 Q. Was one of the reasons that you agreed to
5 raise funds for Dario Herrera in order to gain
6 access?

7 A. No. I could call anybody. This is
8 America. Everybody can have access with or without
9 contributions.

10 Q. Because of your business coming before
11 the county commissioners, do you know if Dario
12 Herrera had an idea or an awareness of how big your
13 company was and how many people it employed?

14 A. There is a lot of stuff published in
15 different trade magazines or newspapers and we
16 advertise and have newspaper ads and billboards and
17 TV commercials and so forth.

18 Q. So it wasn't just from his position as
19 county commissioner that Dario Herrera would be
20 aware of your company; is that correct?

21 A. Yes. If you spend enough money
22 advertising, everybody is going to know you whether

1 you are a school kid or a gardener or in the
2 government.

3 Q. Do you advertise your developments?

4 A. Rhodes' homes and then the developments
5 also. Normally we have our logo and then the
6 community specific in the same ad.

7 Q. Don't suppose you ever played golf with
8 Dario Herrera?

9 A. You know, I own two golf courses and I
10 have never played either one of them. But my kids
11 are taking up the game and I am glad to see
12 somebody is using it.

13 Q. I think we are all set. Thank you for
14 coming.

15 A. Thank you for having us.

16 Off the record.

17 (Discussion off the record.)

18 (Whereupon, at 12:09 p.m., the taking of
19 the deposition was concluded.)

20 (Signature not waived.)
21
22

CERTIFICATE OF DEPONENT

I have read the foregoing _____ pages which contain the correct transcript of the answers given by me to the questions therein recorded, unless amended by an Errata Sheet attached hereto.

Subscribed and sworn before me

This ___ day of _____, 20__

Notary Public in and for

* * * * *

My commission expires: _____

CERTIFICATE OF NOTARY PUBLIC

I, CATHY JARDIM, the officer before whom the foregoing deposition was taken, do hereby testify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto nor financially or otherwise interested in the outcome of the action.


CATHY JARDIM

Notary Public in and for
the District of Columbia

My commission expires: July 31, 2007

PRR-25-2004 13-31

WRIGHT JUDG AND WINNER

THE JOE HOUK

F. 103



Rhodes Design & Development Corp.
General Operating Account
4630 S. Arville, Suite B
Las Vegas, NV 89103
702-873-5338



BANK OF AMERICA NEVADA
P.O. Box 80800
Las Vegas, Nevada 89103-8600

No. 09039

44-731224

DATE

04/09/2001

CHECK AMOUNT

\$ *****5,000.

PAY

FIVE THOUSAND DOLLARS AND ZERO CENTS *****
RHODES DESIGN & DEVELOPMENT CORP.

TO THE
ORDER
OF

CASH
4630 S. Arville, Suite B
Las Vegas, NV 89103

5.98

THIS DOCUMENT INCLUDES AN ORIGINAL INSTRUMENT - HOLD UP AN ORANGE TO VIEW



**RHODES
RANCH**

GENERAL PARTNERSHIP
252 ANGELS TRACE CT.
LAS VEGAS, NV 89140-2746
702-873-5336

LAS VEGAS BUSINESS BANK
8055 W. TWAIN AVE.
LAS VEGAS, NEVADA 89103

No. 010994

34-382
1284

DATE
06/29/2001

CHECK AMOUNT
*****10,000.00
\$

PAY TEN THOUSAND DOLLARS AND ZERO CENTS*****

TO THE
ORDER
OF

CASH
4630 S. Arville, Suite B
Las Vegas, NV 89103



Jane Davidson



10/25/2004 13:32

WRIGHT JUDITH ANN WINKLER

702 382 4800

P.04

RHODES

Rhodes Design & Development Corp.

General Operating Account

252 Angels Trace Ct.

Las Vegas, NV 89148-2746

702-873-5338

HOMES



BANK OF AMERICA NEVADA
P.O. Box 88600
Las Vegas, Nevada 89183-4600

No. 09436

94-721224

DATE

06/29/2001

CHECK AMOUNT

*****7,000.00

PAY SEVEN THOUSAND DOLLARS AND ZERO CENTS*****

RHODES DESIGN & DEVELOPMENT CORP.

TO THE
ORDER
OF

Petty Cash

*

Las Vegas, NV 89103

J. Rhodes

3525 W. Macdonald, Suite 6
Las Vegas, NV 89118 • (702) 739-7649
General Account

3009

Eight Thousand & 00/100 Dollars

DATE: 06/28/01

AMOUNT: \$ 8,000.00

PAY TO THE ORDER OF Petty Cash

Mona Helix

Mona Helix

**RHODES
RANCH**

GENERAL PARTNERSHIP
252 ANGELS TRACE CT.
LAS VEGAS, NV 89148-2746
702-873-6938

LAS VEGAS BUSINESS BANK
6085 W. TWAIN AVE.
LAS VEGAS, NEVADA 89103

No. 015319

24-182
1224

DATE

03/27/2002

CHECK AMOUNT

\$ *****10,000.00

PAY

TEN THOUSAND DOLLARS AND ZERO CENTS*****

TO THE
ORDER
OF

Rhodes Ranch General
Partnership
4630 S. Arville Suite B.
Las Vegas, NV 89103

[Signature]
[Signature]

[Handwritten note: Made by Mr. Rhodes]



TOTAL P.07